

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

‘O’

Case No.	2:18-cv-07090-CAS-GJSx	Date	April 29, 2019
Title	DMF, INC. v. AMP PLUS, INC. ET AL.		

Present: The Honorable CHRISTINA A. SNYDER

Catherine Jeang

Not Present

N/A

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Not Present

Not Present

Proceedings: (IN CHAMBERS) - PLAINTIFF’S MOTION TO DISMISS
DEFENDANTS’ AFFIRMATIVE DEFENSES OF UNCLEAN
HANDS AND INDEFINITENESS (Dkt. 170, filed April 8, 2019)

The Court is in receipt of plaintiff’s motion to dismiss defendants’ affirmative defenses of unclean hands and indefiniteness, dkt. 170, defendants’ opposition, dkt. 178, and plaintiff’s reply, dkt. 181. The Court finds this motion appropriate for decision without oral argument. Fed. R. Civ. P. 78; C.D. Cal. L.R. 7–15. Accordingly, the hearing date of May 6, 2019 is vacated.

Plaintiff moves to dismiss defendants’ affirmative defenses of unclean hands and indefiniteness under Federal Rule of Civil Procedure 12(c). “Judgment on the pleadings is proper when the moving party clearly establishes on the face of the pleadings that no material issue of fact remains to be resolved and that it is entitled to judgment as a matter of law.” Hal Roach Studios, Inc. v. Richard Feiner and Co., Inc., 896 F.2d 1542, 1550 (9th Cir. 1990). Defendants contend that plaintiff’s motion is premised on unduly narrow characterizations of their affirmative defenses. Upon review of the affirmative defenses asserted in defendants’ answer, the Court finds that the merits of these defenses are better resolved on a motion for summary judgment.

Plaintiff also moves to strike defendants’ unclean hands defense under Federal Rules of Civil Procedure 12(f) and 9(b). Under Rule 12(f), the Court may strike from a pleading any “insufficient defense” or any material that is “redundant, immaterial, impertinent or scandalous.” Fed. R. Civ. P. 12(f). Rule 9(b) requires that the circumstances constituting a claim for fraud be pled with particularity. Fed. R. Civ. P. 9(b). In determining whether to grant a motion to strike, a district court views the pleadings in a light most favorable to the non-moving party and “resolves any doubt as to

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the . . . sufficiency of a defense in defendants’ favor.” State of Cal. Dep’t of Toxic Substances Control v. Alco Pac., Inc., 217 F. Supp. 2d 1028, 1033 (C.D. Cal. 2002). The Court finds that plaintiff has been provided with fair notice of the nature of defendants’ unclean hands defense and that the sufficiency of defendants’ unclean hands defense is better decided on a motion for summary judgment.

Accordingly, the Court **DENIES** plaintiff’s motion to strike or dismiss defendants’ affirmative defenses of indefiniteness and unclean hands.

IT IS SO ORDERED.

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